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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROOSEVELT ANDERSON JR.,

Defendant.

No. CR 09-01015 EJD

STIPULATION AND ~~PROPOSED~~ [PROPOSED]
ORDER EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

SAN JOSE VENUE

On August 25, 2011, the undersigned parties appeared before the Court to reschedule a trial in the above-captioned matter. After the Court and the parties reviewed their schedules, the Court set a trial for February 6, 2012. The Court also scheduled a status hearing on November 7, 2011 at 1:30 p.m. in order to determine if the Court would be available to move up the trial date to December 5, 2011. The parties neglected to request an exclusion of time at the hearing, and now respectfully request an exclusion under the Speedy Trial Act from August 25, 2011 through November 7, 2011. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation and continuity of counsel.

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1 SO STIPULATED:

MELINDA HAAG
United States Attorney

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3 DATED: 8/25/11

/s/
SUSAN KNIGHT
Assistant United States Attorney

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5 DATED: 8/25/11

/s/
BRUCE C. FUNK
Counsel for Mr. Anderson

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9 **ORDER**

10 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded in
11 United States v. Anderson, CR 09-01015 EJD, under the Speedy Trial Act from August 25, 2011
12 through November 7, 2011. The Court finds, based on the aforementioned reasons, that the ends
13 of justice served by granting the requested continuance outweigh the best interest of the public
14 and the defendant in a speedy trial. The failure to grant the requested continuance would deny
15 defense counsel reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence, and would result in a miscarriage of justice. The Court therefore
17 concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and
18 (B)(iv).

19 SO ORDERED.

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21 DATED: September 2, 2011


EDWARD J. DAVILA
United States District Judge